UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,700	10/29/2003	Yile Guo	042933/269527 (NC34982US)	5560

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EXAMINER
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2441	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/695,700	GUO ET AL.
	Examiner	Art Unit	
	QUANG N. NGUYEN	2441	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 September 2010</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail. Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Detailed Action

1.   This Office Action is responsive to the Reply filed on 09/27/2010. Claims 1-24

remain pending for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

3.   **Claims 1-4, 6-12, 14-20 and 22-24 are rejected under 35 U.S.C. 102(e) as**

being anticipated by Phillips et al. (US 7,454,206).

4.   As to claim 1, **Phillips** discloses an apparatus comprising:

a processor on a wireless terminal configured to receive, from an application on

the wireless terminal, a request for an identity of a user, wherein the processor is

configured to automatically select one of a plurality of identities selectable for use by the

respective application, the respective identity being selected based upon the application

and at least one user preference independent of user input to the application *(selection logic for **selecting one of the plurality of user identifiers, based at least in part on** the requested session type and **at least one application**)*, and wherein the processor is configured to provide the selected identity to the application **(Phillips, col. 1, line 64 – col. 2, line 2; col. 6, lines 35-63; col. 7, lines 37-48; and col. 8, lines 4-42)**.

5.　　　As to claim 2, **Phillips** discloses the apparatus according to claim 1, wherein a user naming system is configured to receive, from a trusted application, a request for an identity of a user, and wherein the UNS is configured to select an identity further based upon a status of the user **(Phillips, col. 1, line 64 – col. 2, line 2; col. 6, lines 35-63; col. 7, lines 37-48; and col. 8, lines 4-42)**.

6.　　　As to claim 3, **Phillips** discloses the apparatus according to claim 2, wherein the at least one user preference comprises at least one naming preference, wherein the user naming system is configured to obtain a status of the user, and thereafter match the status of the user with a status of a naming preference that also includes a predefined identity, and wherein the user naming system is configured to select the predefined identity of the respective naming preference *(For example, if a user is engaged in a PTT session, wherein the user is identified by the user's first user identifier, the real-time media in the PTT session may beneficially remain uninterrupted by instant messages because instant messages may be associated with the user's second user identifier)* **(Phillips, col. 8, lines 4-42)**.

7.   As to claim 4, **Phillips** discloses the apparatus according to claim 3, wherein the processor is configured to match the status of the user with a status of at least one naming preference that further includes at least one application, wherein the processor is further configured to match the application requesting the identity with an application of one of the at least one naming preference having a matching status, and wherein the processor is configured to select the predefined identity from the naming preference having a matching status and having a matching application *(if a user is engaged in a PTT session, a PTT session is established using the first user identifier and in the Web browsing case, a Web browsing session is established, using the second user identifier)* **(Phillips, Fig. 3, col. 1, line 59 – col. 2, line 2; col. 6, lines 35-63; col. 7, lines 37-48; and col. 8, lines 4-42)**.

8.   As to claim 6, **Phillips** discloses the apparatus according to claim 1, wherein the processor is further configured to identify a current preferred identity based upon at least one user preference and a status of the user, wherein the processor is configured to receive, from a trusted application, a request for an identity of a user, and wherein the processor is configured to select the current preferred identity *(if a user is engaged in a PTT session, a PTT session is established using the first user identifier and in the Web browsing case, a Web browsing session is established, using the second user identifier)* **(Phillips, col. 1, line 64 – col. 2, line 2; col. 6, lines 35-63; col. 7, lines 37-48; and col. 8, lines 4-42)**.

9.   As to claim 7, **Phillips** discloses the apparatus according to Claim 6, wherein the

at least one user preference comprises at least one naming preference, wherein the

processor is configured to obtain a status of the user, and thereafter match the status of

the user with a status of a naming preference that also includes a predefined identity,

and wherein the processor is configured to identify the predefined identity of the

respective naming preference as a current preferred identity *(For example, if a user is*

engaged in a PTT session, wherein the user is identified by the user's first user

identifier, the real-time media in the PTT session may beneficially remain uninterrupted

by instant messages because instant messages may be associated with the user's

second user identifier) **(Phillips, col. 8, lines 4-42)**.

10.   As to claim 8, **Phillips** discloses the apparatus according to Claim 7, wherein the

processor is configured to match the status of the user with a status of at least one

naming preference that further includes at least one application, wherein the processor

is configured to identify, for each application of each naming preference having a

matching status, the predefined identity of the respective naming preference as a

current preferred identity of the respective application, and wherein the processor is

configured to select the current preferred identity of an application matching the

application requesting the identity *(if a user is engaged in a PTT session, a PTT session*

is established using the first user identifier and in the Web browsing case, a Web

browsing session is established, using the second user identifier) **(Phillips, col. 6,**

lines 35-63; col. 7, lines 37-48; and col. 8, lines 4-42).

11.   Claims 9-12, 14-16, 17-20 and 22-24 are corresponding method and computer

program product claims of system claims 1-4 and 6-8; therefore, they are rejected under

the same rationale.

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

**13.   Claims 5, 13 and 21 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Phillips, in view of Gabber et al. (US 5,961,593), hereinafter
"Gabber".**

14.   As to claim 5, **Phillips** discloses an apparatus according to claim 1, but does not

explicitly disclose wherein the processor is capable of one of selecting and generating

a pseudonym to thereby select an identity, and wherein the processor is capable of

providing the pseudonym.

         In the same field of endeavor, **Gabber** teaches a proxy system generates and

provides substitute identifiers *(i.e., pseudonyms)*, which allow users to access the

server sites anonymously via the proxy system **(Gabber, page 5, line 58 – page 6, line 17 and col. 11, line 54 – col. 12, line 8)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the features of being capable of one of selecting and generating a pseudonym to thereby select an identity, and providing the pseudonym to a non-trusted application, as disclosed by **Gabber**, into the teachings of **Phillips**. One would be motivated to do so to allow a user to establish accounts on web-sites without revealing his true identity, and without reusing the same user names, passwords for multiple sites to avoid a security breach at one site to affect other sites, at the same time to allow the user to browse/access the Internet in a safe and private (anonymous) manner **(Gabber, page 2, lines 3-19 and lines 51-55)**.

15.   Claims 13 and 21 are corresponding method claim and computer program product claims of system claim 5; therefore, they are rejected under the same rationale.

Response to Arguments

16.   In the Remarks, Applicants argued in substance that

(**A**)   *"Applicants believe none of the cited references disclose the feature of selecting one of a plurality of identities based upon the application and at least one user*

preference independent of user input to the application as recited in Claim 1" **(recited**

from page 2 of the Remarks).

As to point (**A**), Examiner respectfully disagrees noting that **Phillips** teaches at

col. 1, line 59 - col. 2, line 2:

[The wireless communication device comprises a user interface for receiving an instruction to
establish a requested communication session, having a requested session type, over a packet-
switched network on behalf of a user; data storage storing a plurality of user identifiers associated
with the user; selection logic for <u>selecting one of the plurality of user identifiers, based</u> at
least in part on the requested session type; and <u>at least one application</u> establishing the
requested communication session of the requested session type. The at least one application
uses the selected user identifier to identify the user for the requested communication session.]
(Emphasis added)

Also, at col. 6, lines 39-66:

[For example, data storage 56 (of the wireless communication device 14) may store a plurality of
user identifiers 60, i.e., User ID 1 through User ID n, that uniquely identify a particular user. In
many cases, the user may not aware of or have access to all of the plurality of user identifiers 60.
For example, the user may be aware of only User ID 1. Thus, **wireless communication device**
14 may use different user identifiers to identify the user in different communication
sessions **without the user's knowledge**.

     The machine language instructions stored in data storage 56 may include various
functional components. In particular, the machine language instructions may include a plurality of
applications 62, i.e., Application 1 through Application n, for different types of communication
sessions. For example, **applications 62 may include a Web browser for Web browsing**
applications, a PTT client for PTT sessions, an IM client for instant messaging sessions,
and/or other applications for other types of communication sessions. As described in more
detail below, **different applications 62 may use different user identities 60 to identify the**
user in different types of communication sessions. Although FIG. 2 shows the same number

of applications 62 as user identifiers 60, data storage 56 may store a different number. For example, **a given user identifier may be used for more than one application**. In addition, **a given application may use different user identifiers under different circumstances**.

Accordingly, **data storage 56 may include User ID selection logic 64 that selects which one of user identifiers 60 to use in (a particular application for) a particular communication session**.] *(Emphasis added)*

Examiner respectfully submits that one ordinary skilled in the art would have duly recognized that **Phillips'** mechanism does disclose selecting one of a plurality of user identities 60 based at least in part on at least one application 62 *(**Phillips** teaches "selecting one of the plurality of user identifiers based at least in part on the requested session type and at least one application", col. 1, lines 64-66)* for the requested communication session *(such as <u>web browsing application</u> for a web browser session or <u>IM client application</u> for an instant messaging session, etc.)* without the user's knowledge *(**Phillips** teaches "the wireless communication device 14 may [select] <u>use different user identifiers to identify the user in different communication sessions without the user's knowledge</u>" (col. 6, lines 44-46), wherein a preferred user identifier is used for the communication session which of a particular application 62 is being invoked (col. 7, lines 30-32), i.e., based at least one user preference independent of user input to the application)*.

Therefore, Examiner respectfully submits that **Phillips** does teach or disclose the feature of "selecting one of a plurality of identities based upon the application and at least one user preference independent of user input to the application", as claimed.

Conclusion

17.   Applicant's arguments as well as request for reconsideration filed on 09/27/2010
have been fully considered but they are not deemed to be persuasive.

18.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time
policy as set forth in 37 CFR 1.136(a).

    A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
the advisory action. In no event, however, will the statutory period for reply expire later
than SIX MONTHS from the mailing date of this final action.

19.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Quang N. Nguyen whose telephone number is (571)
272-3886

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Wing Chan, can be reached at (571) 272-7493. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quang N. Nguyen/
Primary Examiner, Art Unit 2441